

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

GARY WAYNE JOHNSON,

Petitioner,

-vs-

T. BRUNSMAN, Warden,

Respondent.

:

Case No. 3:05-cv-255

:

District Judge Walter Herbert Rice
Chief Magistrate Judge Michael R. Merz

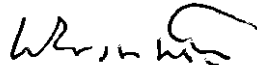
:

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 12), to whom this case was recommitted pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on June 3, 2008, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that this habeas corpus case be dismissed with prejudice. Because reasonable jurists would not disagree with this conclusion, Petitioner is denied leave to appeal *in forma pauperis* and any requested certificate of appealability.

July 5, 2008.



Walter Herbert Rice
United States District Judge